

**AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 3102
OFFERED BY MR. KATKO OF NEW YORK**

Strike all after the enacting clause and insert the following:

1 SECTION 1. SHORT TITLE.

2 This Act may be cited as the “Airport Access Control
3 Security Improvement Act of 2015”.

4 SEC. 2. AVIATION SECURITY.

5 (a) IN GENERAL.—Subtitle A of title XVI of the
6 Homeland Security Act of 2002 is amended by adding at
7 the end the following new section:

**8 “SEC. 1602. RISK-BASED SCREENING OF EMPLOYEES AT
9 AIRPORTS.**

10 “(a) SCREENING MODEL.—

11 “(1) IN GENERAL.—Not later than 180 days
12 after the date of the enactment of this section, the
13 Administrator shall establish a risk-based, intel-
14 ligence-driven model for the screening of employees
15 at airports based on level of access and employment
16 positions at domestic airports. Such screening model
17 shall—

1 “(A) ensure that only those individuals au-
2 thorized to have access to the secure areas of
3 a domestic airport are permitted such access;

4 “(B) ensure that an individual is imme-
5 diately denied entry to a secure area when such
6 individual’s access authorization for such secure
7 area is withdrawn; and

8 “(C) provide a means to differentiate be-
9 tween individuals authorized to have access to
10 an entire secure area and individuals authorized
11 access to only a particular portion of a secure
12 area.

13 “(2) FACTORS.—The Administrator shall con-
14 sider the following factors when establishing the
15 screening model described in paragraph (1):

16 “(A) Whether and how often employees at
17 airports require employment-related access to
18 Secure Identification Display Areas, Airport
19 Operations Areas, or secure areas.

20 “(B) The ability of each airport operator
21 to reduce employee entry and exit points to a
22 mutually agreed upon minimum number of such
23 entry and exit points necessary to maintain air-
24 port operations.

1 “(C) In consultation with airport opera-
2 tors, the ability of the Administration to create
3 a randomization plan for screening at the de-
4 fined operational minimum entry and exit
5 points at airports which maximizes the deter-
6 rent effect of screening efforts.

7 “(b) DISQUALIFYING OFFENSES.—

8 “(1) IN GENERAL.—Not later than 180 days
9 after the date of the enactment of this section, the
10 Administrator, in consultation with the Director of
11 the Federal Bureau of Investigation and the Avia-
12 tion Security Advisory Committee, shall review the
13 disqualifying criminal offenses codified in sections
14 1542.209 and 1544.229 of title 49, Code of Federal
15 Regulations, to determine adequacy for an individual
16 to have continued access to Secure Identification
17 Display Areas of airports. Such review shall deter-
18 mine the following:

19 “(A) The effectiveness of the currently
20 codified disqualifying offenses regarding dis-
21 qualifying certain individuals from occupying
22 such a position of significant public trust.

23 “(B) If such disqualifying offenses list
24 should be amended to include other offenses.

1 “(C) The feasibility of identifying patterns
2 of misdemeanors or of other non-disqualifying
3 offenses that could jeopardize aviation security.

4 “(D) The feasibility of integrating similar
5 departmental eligibility requirements for access
6 to Secure Identification Display Areas of air-
7 ports.

8 “(E) Whether the look-back period for dis-
9 qualifying offenses should be extended or modi-
10 fied.

11 “(2) WAIVER.—Not later than 180 days after
12 the date of the enactment of this section, the Admin-
13 istrator shall provide an adequate redress process for
14 an employee who is subject to an adverse employ-
15 ment decision, including removal or suspension of
16 such employee, due to a disqualifying offense re-
17 ferred to in paragraph (1), that is consistent with
18 the appeals and waiver process established for appli-
19 cants for commercial motor vehicle hazardous mate-
20 rials endorsements and transportation workers at
21 ports under section 70105(c) of title 46, United
22 States Code.

23 “(3) BRIEFING TO CONGRESS.—Upon comple-
24 tion of the review required under paragraph (1), the
25 Administrator shall brief the Committee on Home-

1 land Security of the House of Representatives and
2 the Committee on Homeland Security and Govern-
3 mental Affairs and the Committee on Commerce,
4 Science, and Transportation of the Senate on the re-
5 sults of such review.

6 “(c) CREDENTIALING.—Not later than 120 days
7 after the date of the enactment of this section, the Admin-
8 istrator, in consultation with the Aviation Security Advi-
9 sory Committee, shall review the auditing procedures for
10 all airport-issued identification media. Such review shall
11 determine the following:

12 “(1) The efficacy of the auditing program re-
13 quirements at domestic airports to ensure the integ-
14 rity, accountability, and control of airport-issued
15 identification media.

16 “(2) The feasibility of including biometrics
17 standards for all airport-issued identification media
18 used for identity verification and badge verification.

19 “(3) The feasibility of integrating other depart-
20 mental programs’ eligibility requirements for access
21 to secure areas of airports.

22 “(d) VETTING.—

23 “(1) IN GENERAL.—Not later than 180 days
24 after the date of the enactment of this section, the
25 Administrator shall—

1 “(A) establish a program to allow airport
2 badging offices to utilize the employment eligi-
3 bility confirmation system established under
4 section 404 of the Illegal Immigration Reform
5 and Immigrant Responsibility Act of 1996 (8
6 U.S.C. 1324a note; commonly referred to as ‘E-
7 Verify’) to determine the eligibility to work in
8 the United States of all applicants seeking ac-
9 cess to secure areas of airports;

10 “(B) establish a process to transmit appli-
11 cants’ biometric fingerprint data to the Office
12 of Biometric Identity Management’s (OBIM’s)
13 Automated Biometrics Identification System
14 (IDENT) for vetting; and

15 “(C) conduct a data quality assessment to
16 ensure that credential application data elements
17 received by the Administration are complete
18 and match the data submitted by the airport
19 operators.

20 “(2) BRIEFING TO CONGRESS.—Upon comple-
21 tion of the responsibilities specified in paragraph
22 (1), the Administrator shall brief the Committee on
23 Homeland Security of the House of Representatives
24 and the Committee on Homeland Security and Gov-
25 ernmental Affairs and the Committee on Commerce,

1 Science, and Transportation of the Senate on the re-
2 sults of such completion.

3 “(e) REPORTING OF VIOLATIONS.—Not later than
4 180 days after the date of the enactment of this section,
5 the Administrator shall establish a nationwide program for
6 the anonymous reporting of violations of airport security.

7 “(f) CENTRALIZED DATABASE.—Not later than 180
8 days after the date of the enactment of this section, the
9 Administrator, in consultation with the Aviation Security
10 Advisory Committee, shall—

11 “(1) establish a national database of employees
12 who have had either their airport or aircraft oper-
13 ator-issued badge revoked for failure to comply with
14 aviation security requirements;

15 “(2) determine the appropriate reporting mech-
16 anisms for airports and airlines to submit data re-
17 garding employees described in paragraph (1) and to
18 access the database established pursuant to such
19 paragraph; and

20 “(3) establish a process that allows individuals
21 whose names were mistakenly entered into such
22 database to have their names removed and have
23 their credentialing restored.

24 “(g) UPDATED REVIEW.—Not later than April 8,
25 2016, the Administrator, in consultation with the Aviation

1 Security Advisory Committee, shall conduct an updated
2 and thorough review of airport access controls.

3 “(h) EMPLOYEE SCREENING STUDY.—

4 “(1) IN GENERAL.—Not later than 180 days
5 after the date of the enactment of this section, the
6 Administrator, in consultation with the Aviation Se-
7 curity Advisory Committee, shall submit to the Com-
8 mittee on Homeland Security of the House of Rep-
9 resentatives, the Committee on Homeland Security
10 and Governmental Affairs and the Committee on
11 Commerce, Science, and Transportation of the Sen-
12 ate, and the Comptroller General of the United
13 States a cost and feasibility study of a statistically
14 significant number of Category I, II, and X airports,
15 that ensures that all employee entry and exit points
16 that lead to secure areas of such airports are com-
17 prised of the following:

18 “(A) A secure door utilizing card and pin
19 entry or biometric technology.

20 “(B) Surveillance video recording, capable
21 of storing video data for at least 30 days.

22 “(C) Advanced screening technologies, in-
23 cluding at least one of the following:

24 “(i) Magnetometer (walk-through or
25 hand-held).

1 “(ii) Explosives detection canines.

2 “(iii) Explosives trace detection swab-
3 bing.

4 “(iv) Advanced imaging technology.

5 “(v) X-ray bag screening technology.

6 “(2) CONTENTS.—The study required under
7 paragraph (1) shall include information related to
8 the employee screening costs of those airports which
9 have already implemented practices of screening one-
10 hundred percent of employees entering secure areas
11 of airports, including the following:

12 “(A) Costs associated with establishing an
13 operational minimum number of employee entry
14 and exit points.

15 “(B) A comparison of costs associated with
16 implementing the requirements specified in
17 paragraph (1), based on whether such imple-
18 mentation was carried out by the Administra-
19 tion or airports.

20 “(3) COMPTROLLER GENERAL ASSESSMENT.—

21 “(A) IN GENERAL.—Upon completion of
22 the study required under paragraph (1), the
23 Comptroller General of the United States shall
24 review such study to assess the quality and reli-
25 ability of such study.

1 “(B) ASSESSMENT.—Not later than 60
2 days after the receipt of the study required
3 under paragraph (1), the Comptroller General
4 of the United States shall report to the Com-
5 mittee on Homeland Security of the House of
6 Representatives and the Committee on Home-
7 land Security and Governmental Affairs and the
8 Committee on Commerce, Science, and Trans-
9 portation of the Senate on the results of the re-
10 view required under subparagraph (A).”.

11 (b) CLERICAL AMENDMENT.—The table of contents
12 of the Homeland Security Act of 2002 is amended by in-
13 serting after the item relating to section 1601 the fol-
14 lowing new item:

“Sec. 1602. Risk-based screening of employees at airports.”.

